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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,621	03/29/2000	Stephen Russell Falcon	MS1-396US	8368

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EXAMINER	
TRAN, TONGOC	

ART UNIT	PAPER NUMBER
2134	3

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/538,621	FALCON ET AL.	
	Examiner	Art Unit	
	Tongoc Tran	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-71* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This office action is in response to applicants' application serial no. 09/538,621 filed on 3/29/2000.

Claim Objections

2. Claim 21 is objected to because of the following informalities:

Claim 21 recites "a computer-readable medium as recited in claim 8" which is a method claim. For purpose of prosecuting the application, the examiner assumes that applicants intend to recites "a method claim as recites in claim 8".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-8, 11-22, 25-29, 32-53, 60-64, 70 and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller (U.S. Patent No. 6,249,727).

In respect to claim 1, Muller discloses a method comprising:

Verifying that a first application is authorized to set an initial range for a controlled parameter setting; if authorized, allowing the first application to set an initial range for the controlled parameter setting (see col. 5, lines 25-35, line 61 to col. 6, line 27);

and subsequently, allowing at least a second application to modify the controlled parameter setting within the initial range set by the first application (see col. 5, lines 35-47).

In respect to claim 4, Muller discloses a method as recited in claim 1, wherein the first application is verified based at least partially on memory location information associated with a verifying function (see Muller, col. 2, lines 45-65).

In respect to claim 5, Muller discloses a method as recited in claim 4, wherein the memory location information associated with the verifying function defines memory location within a read only memory (ROM) (see Muller, col. 2, lines 45-65).

In respect to claim 6, Muller discloses a method as recited in claim 1, wherein the initial range includes at least a maximum controlled parameter setting, and the second application is not allowed to modify the controlled parameter setting beyond the maximum controlled parameter setting (see Muller, col. 5, lines 35-47).

In respect to claim 7, Muller discloses a method as recited in claim 1, wherein the initial range includes at least a minimum controlled parameter setting, and the second

application is not allowed to modify the controlled parameter setting below the minimum controlled parameter setting (see Muller, col. 5, lines 35-47).

In respect to claim 8, Muller discloses a method as recited in claim 1, further comprising:

verifying that the second application is authorized to modify a current range for the controlled parameter setting; if authorized, allowing the second application to modify the current range for the controlled parameter setting: and subsequently, allowing at least a third application to modify the controlled parameter setting within the current range as modified by the second application (see col. 5, line 61-col. 6, line 27).

In respect to claim 11, Muller discloses a method as recited in claim 8, wherein the second application is verified based at least partially on memory location information associated with a verifying function (see col. 2, lines 45-65).

In respect to claim 12, Muller discloses a method as recited in claim 11, wherein the memory location information associated with the verifying function defines memory location within a read only memory (ROM) (see col. 2, lines 45-65).

In respect to claim 13, Muller discloses a method as recited in claim 8, wherein the current range includes to at least a maximum controlled parameter setting, and the third application is not allowed to modify the controlled parameter setting beyond the maximum controlled parameter setting (see col. 5, lines 35-47).

In respect to claim 14, Muller discloses a method as recited in claim 8, wherein the current range includes is at least a minimum controlled parameter setting, and the

third application is not allowed to modify the controlled parameter setting below the minimum controlled parameter setting (see col. 5, lines 35-47).

In respect to claim 15, Muller discloses a method as recited in claim 1, wherein the controlled parameter setting is selected from a group of settings comprising a vehicle control parameter (see col. 4, lines 35-39).

In respect to claim 16, Muller discloses a method as recited in claim 8, wherein: verifying that the first application is authorized to set the initial range for the controlled parameter setting further includes using a first verifier; and verifying that the second application is authorized to modify the current range for the controlled parameter setting further includes using a second verifier, wherein the first verifier and the second verifier are operatively configured in a serial arrangement, and the first verifier is independently responsive to a first user and the second verifier is independently responsive to a second user (see col. 6, lines 1-27).

In respect to claim 17, Muller discloses a method as recited in claim 16, wherein the first verifier is provided by a first entity and the second verifier that is provided by a second entity (see col. 6, lines 1-27).

In respect to claim 18, Muller discloses a method as recited in claim 16, wherein the first user and the second user are the same (see col. 6, lines 1-35).

In respect to claim 19, Muller discloses a method as recited in claim 16, wherein the first user is provided by a first entity and the second user is provided by a second entity (see col. 6, lines 1-27).

In respect to claim 20, Muller discloses a method as recited in claim 1, wherein verifying that the first application is authorized to set the initial range for the controlled parameter setting

further includes using at least one verifier selected from a group comprising at least a first verifier and a second verifier (see col. 6, lines 1-27).

In respect to claim 21, Muller discloses a method claim as recited in claim 8, wherein verifying that the second application is authorized to set the initial range for the controlled parameter setting further includes using at least one verifier selected from a group comprising at least a first verifier and a second verifier (see col. 6, lines 1-36).

In respect to claims 22, 25-29 and 32-42 the claim limitations are computer readable medium claims that are substantially similar to the method claims 1, 4-8 and 11-21. Therefore claims 22, 25-29 and 32-42 are rejected based on the similar rationale.

In respect to claim 43-44, Muller discloses a method comprising:

setting an authorized range and a current value for a controlled parameter;

receiving a request to change the current value of the controlled parameter

from an application; changing the current value of the controlled parameter if a requested value of the controlled parameter is within the authorized range; otherwise, verifying that the application is authorized to modify the authorized range for the controlled parameter, prior to changing the current value of the controlled parameter to the requested value (see col. 5, line 25-col. 6, line 27).

In respect to claim 45, Muller discloses a method as recited in claim 44, wherein the authorized range includes at least one authorized limit selected from a group including a minimum authorized limit and a maximum authorized limit (see col. 4, lines 53-65).

In respect to claim 46, Muller discloses a method as recited in claim 45, further comprising changing the current value of the controlled parameter to the minimum authorized limit if the requested value is less than the minimum authorized limit and the application is not authorized to modify the authorized range (see col. 5, lines 35-60).

In respect to claim 47, Muller discloses a method as recited in claim 45, further comprising changing the current value of the controlled parameter to the maximum authorized limit if the requested value is more than the maximum authorized limit and the application is not authorized to modify the authorized range (see col. 5, lines 35-60).

In respect to claims 48-52, the claim limitations are computer readable medium claims that are substantially similar to the method claims 43-47. Therefore claims 48-52 are rejected based on the similar rationale.

In respect to claim 48-52, the claims limitations are computer readable medium that are substantially similar to the method claims 43-47. Therefore claims 48-52 are rejected based on the similar rationale.

In respect to claim 53 and 60, the claim limitations are system claims that are substantially similar to method claim 1. Therefore, claims 53 and 60 are rejected based on the similar rationale.

In respect to claim 61, the claim limitation is a system claim which is substantially similar to method claim 15. Therefore, claim 61 is rejected based on the similar rationale.

In respect to claim 62, Muller discloses a system as recited in claim 53, wherein the processor, the memory, and the program are part of a computer system within a vehicle (see col. 2, lines 32-39).

In respect to claim 63, Muller discloses a system as recited in claim 53, further comprising at least one device that is coupled to the program and is responsive to the parameter value from the program (see col. 4, lines 53-67).

In respect to claim 64, 70 and 71, the claim limitations are system claims that are substantially similar to method claims 43, 62 and 63. Therefore, claim 64, 70 and 71 are rejected based on the similar rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3, 9-10, 23-24, 30-31, 55-59 and 65-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (U.S. Patent No. 6,249,727) in view of Gormley (U.S. Patent No. 5,513,107).

In respect to claims 2, 9, 54, 56, and 65, Muller discloses a method and a system claims as recited in claims 1, 8, 53 and 64. Muller does not explicitly disclose using a security code as a form of verification. However, Gormley discloses selection of the restricted mode of vehicle operation is performed by entry of control signals corresponding to a security code (see Gormley, col. 2, lines 30-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gormley with the entry of security code for verification purposes with Muller's teaching of setting initial controlled parameter setting in order to create a specific restricted mode of operation for a particular application (see Gormley, col. 2, lines 41-53).

In respect to claims 3, 10, 55 and 66, Muller and Gormley disclose method and system claims as recited in claims 2, 9, 54 and 65. Muller and Gormley do not disclose wherein the first security code is encrypted or decrypted. However, Encrypting and decrypting secure information is old and well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt the security code taught by Gormley with programmable preferred operating parameter control limit on a data card taught by Muller to protect the data from accessing by unauthorized users.

In respect to claims 23-24 and 30-31, the claim limitations are computer readable medium claims that are substantially similar to the method claims 2-3, 9-10. Therefore claims 23-24 and 30-31 are rejected based on the similar rationale.

In respect to claims 57 and 67, Muller and Gormley disclose system as recited in claims 54 and 65, wherein the program further includes at least one linked verifier function stored within a predefined portion of the memory, and the program is configured to determine if the linked verifier function, as called by the program, is not within the predefined portion of the memory, in which case, the program determines that the first application is unauthorized to modify the range (see Muller, col. 2, lines 45-65).

In respect to claim 58 and 68, Muller and Gormley disclose system as recited in claims 57 and 67, wherein the predefined memory location is within a read only portion of the memory (see Muller, col. 2, lines 45-65).

In respect to claim 59 and 69, Muller and Gormley disclose system as recited in claims 54 and 64, wherein the security code is uniquely associated a software developer entity responsible for providing the first application (see Gormley, col. 2, lines 9-22).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Wild et al. disclose a method and device for controlling operation of a vehicle.

-Humpleman et al. Disclose a method and system for device to device command and control for network.

-Brunemann et al. Disclose a system and method for transmission of application software to an embedded vehicle computer.

-Humpleman et al. Disclose a method and apparatus for creating home network macros.

-Bitzer et al. Disclose a vehicle control system.

-Foo et al. Disclose a method and apparatus for controlling an actuatable occupant protection device.

-Eisler et al. Disclose a system for enhancing device drivers.

-Hartmann et al. disclose an apparatus for storing data in a motor vehicle.

-Iihoshi et al. Disclose a network system for vehicle-mounted electronic devices and vehicle-mounted operating system used therein.

-Colson et al. Disclose a method for representing automotive device functionality and software services to applications using javabeans.

-Rogers et al. Disclose a computer interface board for electronic automotive vehicle service equipment.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.

Examiner Tongoc Tran
Art Unit: 2134

TT

January 15, 2004

MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137